

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

February 7, 1995

UNITED STATES OF AMERICA, )  
Complainant, )  
 )  
v. ) 8 U.S.C. 1324a Proceeding  
 ) OCAHO Case No. 94A00034  
ALBERTA SOSA, INC., )  
Respondent. )  
\_\_\_\_\_ )

ORDER DENYING RESPONDENT'S CROSS-MOTION  
FOR PROTECTIVE ORDER

On December 12, 1994, respondent filed a Cross-Motion for Protective Order, moving therein to strike Complainant's First Interrogatories and its First Request for Production of Documents.

As grounds for its cross-motion, respondent urges that those discovery requests are untimely, as well as burdensome and onerous, and that they were filed in order to delay the orderly handling of this matter, which was previously set for hearing in New York City on October 5, 1994.

On December 27, 1994, complainant filed its response to respondent's cross-motion, in which it advised that its discovery requests had been filed on November 25, 1994, for the purpose of obtaining from respondent information which is reasonably necessary to prepare this matter for hearing and/or to facilitate a resolution of the disputed matters at issue.

Complainant further notes, and correctly so, that the pertinent procedural regulation which contains the general provisions concerning discovery, 28 C.F.R. § 68.18, does not designate a time period in which discovery activities must be commenced.

Accordingly, since respondent has failed to demonstrate that in furnishing replies to complainant's discovery requests it will be subjected to annoyance, harassment, embarrassment, oppression, or undue burden or expense, as set forth at 28 C.F.R. § 68.18(c), its Cross-Motion for Protective Order is hereby denied.

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JOSEPH E. MCGUIRE  
Administrative Law Judge